

AO 440 (Rev. 03/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

E-filing

09

0761

Les Jankey, et al. _____
 Plaintiff _____
 v.
 James Lee, et al. _____
 Defendant _____

) _____
) _____
) Civil Action No.
) _____
) _____

BZ

Summons in a Civil Action

To: See service list attached
 (Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Thomas E. Frankovich
 Thomas E. Frankovich, APLC
 4328 Redwood Highway, Suite 300
 San Rafael, CA 94903 / Telephone: 415-674-8600

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FEB 20 2009

Richard W. Wiking

Name of clerk of court

Date: _____

ANNA CERRINKLES

Deputy Clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on _____, by:

(1) personally delivering a copy of each to the individual at this place, _____; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____; or

(4) returning the summons unexecuted to the court clerk on _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date: _____

Server's signature

Printed name and title

Server's address

ORIGINAL

1 THOMAS E. FRANKOVICH (State Bar No. 074414)
 2 THOMAS E. FRANKOVICH,
 3 *A Professional Law Corporation*
 4 4328 Redwood Hwy., Suite 300
 5 San Rafael, CA 94903
 6 Telephone: 415/674-8600
 7 Facsimile: 415/674-9900

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 9
 10 Attorneys for Plaintiffs
 11 LES JANKEY
 12 and DISABILITY RIGHTS
 13 ENFORCEMENT, EDUCATION,
 14 SERVICES: HELPING YOU
 15 HELP OTHERS
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

12 LES JANKEY, an individual; and) **CASE NO.**
 13 DISABILITY RIGHTS, ENFORCEMENT,) **Civil Rights**
 14 EDUCATION, SERVICES: HELPING) **COMPLAINT FOR INJUNCTIVE RELIEF**
 15 YOU HELP OTHERS, a California public) **AND DAMAGES:**
 16 benefit corporation,)
 17 Plaintiffs,) **1st CAUSE OF ACTION:** For Denial of Access
 18 v.) by a Public Accommodation in Violation of the
 19 JAMES LEE TRUSTEE of the PAULA) Americans with Disabilities Act of 1990 (42
 20 LEE MARITAL TRUST (a.k.a) MORNING) U.S.C. §12101, *et seq.*)
 21 FIX CAFE,) **2nd CAUSE OF ACTION:** For Denial of Full
 22 Defendant.) and Equal Access in Violation of California
 23 Civil Code §§54, 54.1 and 54.3
 24) **3rd CAUSE OF ACTION:** For Denial of
 25 Accessible Sanitary Facilities in Violation of
 26 California Health & Safety Code §19955, *et seq.*
 27) **4th CAUSE OF ACTION:** For Denial of
 28 Access to Full and Equal Accommodations,
 Advantages, Facilities, Privileges and/or
 Services in Violation of California Civil Code
 §51, *et seq.* (The Unruh Civil Rights Act)

DEMAND FOR JURY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SERVICE LIST

**Les Jankey, et al. v. JAMES LEE TRUSTEE of the PAULA LEE MARITAL
TRUST (a.k.a) MORNING FIX CAFE, et al.**
Case no.

James Lee, Trustee
Paula Lee Marital Trust
691 Broadway # 20
San Francisco, CA 94109